

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

DENNIS LEROY GORDON,

No. 2:13-cv-00052-HU

Petitioner,

ORDER

v.

STEVEN FRANKE, Superintendent,
Two Rivers Correctional Institution,

Respondent.

Anthony D. Bornstein
Federal Public Defender's Office
101 S.W. Main Street, Suite 1700
Portland, Oregon 97204

Attorney for Petitioner

Kristen E. Boyd
State of Oregon Department of Justice
1162 Court Street, N.E.
Salem, Oregon 97301

Attorney for Respondent

HERNÁNDEZ, District Judge:

Magistrate Judge Dennis J. Hubel issued a Findings and Recommendation (F&R) [46] on December 1, 2014, recommending that the Petition for Writ of Habeas Corpus [3] be denied and that a certificate of appealability be denied because Petitioner has not made a substantial showing of the denial of a constitutional right. Petitioner filed timely objections to the F&R. The matter is now before me pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b).

When any party objects to any portion of the Magistrate Judge's Findings and Recommendation, the district court must make a *de novo* determination of that portion of the Magistrate Judge's report. 28 U.S.C. § 636(b)(1); Dawson v. Marshall, 561 F.3d 930, 932 (9th Cir. 2009); United States v. Reyna-Tapia, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc).

I have carefully considered Petitioner's objections and conclude that the objections do not provide a basis to modify the F&R. I have also reviewed the pertinent portions of the record *de novo* and find no error in the Magistrate Judge's F&R.

CONCLUSION

The Court ADOPTS Magistrate Judge Hubel's F&R [46]. Accordingly, the Petition for Writ of Habeas Corpus [3] is DENIED and a certificate of appealability is DENIED because the Petitioner has not made a substantial showing of the denial of a constitutional right.

IT IS SO ORDERED.

DATED this 2 day of ^{MARCH} February 2015.

Marco Hernández
MARCO A. HERNÁNDEZ
United States District Judge